

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIO CANCINO and WILLIAM LAGOS, individually
and on behalf of all others similarly situated,

Plaintiffs,

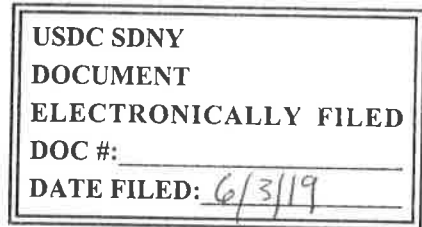
-v-

JANBAR, INC., JANBAR GROUP, INC., and JANUSZ
BARTNICKI individually,

Defendants.

18 Civ. 7219 (PAE)

ORDER



PAUL A. ENGELMAYER, District Judge:

Philip Orner, Esq., has moved to withdraw as counsel of record on behalf of defendants Janbar, Inc., Janbar Group, Inc., and Janusz Bartnicki. Dkt. 34. Mr. Orner represents that he and his clients have failed to communicate effectively and that his clients have failed to pay him approximately \$8,500 in fees, which are over sixty days past due. *Id.* at 1.

“[A] layperson may not represent a separate legal entity such as a corporation.” *Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007). Defendants Janbar, Inc., and Janbar Group, Inc., as corporations, cannot continue to defend this lawsuit unless they find new counsel. The Court, accordingly, will give Janbar, Inc., and Janbar Group, Inc., three weeks, until June 24, 2019, to retain a new attorney and for that new attorney to formally appear on their behalf. The Court therefore will until June 24, 2019, hold in abeyance Mr. Orner’s motion to withdraw as counsel for Janbar, Inc., and Janbar Group, Inc. The Court expects to grant that motion after June 24, 2019 and will do so earlier if successor counsel appears on behalf of Janbar, Inc., and Janbar Group, Inc., before then. In the event that Janbar, Inc., and Janbar Group, Inc., remain unrepresented after June 24, 2019, the Court will be compelled to entertain a motion by

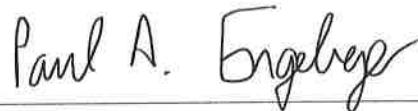
plaintiffs' counsel for entry of a default judgment as to those corporate defendants, on account of their failure to defend this lawsuit.

Mr. Orner's motion to withdraw, however, is granted as to Bartnicki, who, as an individual defendant, may represent himself *pro se*. Unless successor counsel appears on his behalf, the Court will treat Bartnicki as proceeding *pro se* in this case.

Defendants' brief in opposition to plaintiffs' motion for conditional class certification is currently due on June 7, 2019. The Court extends that deadline pending the resolution of Mr. Orner's motion to withdraw. Regardless whether Bartnicki proceeds *pro se* as the sole defendant in the case after June 24, 2019 or he or the corporate defendants find substitute counsel by that date, the Court extends the deadline to file an opposition to July 8, 2019.

The Clerk of Court is directed to terminate the motion pending at Dkt. 34 as it relates to Janusz Bartnicki and to terminate Mr. Orner as counsel for defendant Janusz Bartnicki in this case. The motion remains pending as it relates to Janbar, Inc., and Janbar Group, Inc.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Paul A. Engelmayer
United States District Judge

Dated: June 3, 2019
New York, New York